

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

B.L., a minor, by and through her father,
LAWRENCE LEVY, and her mother,
BETTY LOU LEVY,

Plaintiffs

v.

MAHANoy AREA SCHOOL DISTRICT,

Defendant.

CIVIL ACTION NO. 3:17-CV-1734


(JUDGE CAPUTO)

ORDER

NOW, this 26TH day of September, 2017 at 11:05 a.m, after consideration of Plaintiff's Verified Complaint (Doc. 1), Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 2), Memorandum of Law in Support thereof (Doc. 3), and it appearing that Plaintiff will suffer immediate and irreparable harm in restraining Plaintiff's out-of-school speech, Defendant is enjoined and restrained as requested in Plaintiff's Motion, and **IT IS HEREBY ORDERED** that:

1. Defendant, together with its representatives, agents, servants, and all others acting on its behalf or in concert with it, is hereby ENJOINED and RESTRAINED, until further Order of Court, from (1) enforcing the Cheerleading Rules pertaining to out-of-school speech against Plaintiff; and (2) excluding Plaintiff from the cheerleading squad on account of her out-of-school speech.

2. This being a non-commercial case involving a relatively small amount of money, and the balance of hardships favoring the Plaintiff, the Fed. R. Civ. P. 65(c) security bond requirement is hereby waived. *B.H. v. Easton Area Sch. Dist.*, 827 F.Supp.2d 392, 409 (E.D.Pa. 2011); *Elliot v. Kiesewetter*, 98 F.3d 47, 59-60 (3d Cir. 1996); *Temple University v. White*, 941 F.2d 201, 219-20 (3d Cir. 1991).
3. Plaintiff, by her attorneys, agents, or other designees, may serve copies of this Order upon Defendant and upon any person acting in concert or participating with them in the activities referred to above.
4. A hearing on the motion for preliminary injunction will be held on **MONDAY, OCTOBER 2, 2017 AT 9:30 A.M.**, Courtroom #3, Max Rosenn United States Courthouse, 197 South Main Street, Wilkes-Barre, Pennsylvania.



A. Richard Caputo
United States District Judge